

HB 233 – Expand 24/7 Sobriety & Drug Monitoring Program

Section	What it does
Section 1 44-4-1201	<ul style="list-style-type: none"> Name change to Montana 24/7 Sobriety and Drug Monitoring Program
Section 2 44-4-1202	<ul style="list-style-type: none"> Expands purpose to address not only DUI, but all crimes in which the abuse of drugs or alcohol was a contributing factor in the commission of the crime. Defines “core components” as those program components that are demonstrated through analysis to be the most effective. Defines “immediate sanction” to mean a sanction applied within minutes and a “timely sanction” to mean a sanction applied within hours or days. Defines “law enforcement agency” to include not only the sheriff’s office, but if the sheriff chooses not to run the Program, a municipal police department could. Further clarifies the 24/7 Program to maintain the integrity of the Program. Edits definition of “testing” to include tests of a persons, breath or body fluid, including blood, urine, saliva, or perspiration.
Section 3 44-4-1203	<ul style="list-style-type: none"> Integrates the definition of the core components of the 24/7 Program Provides that the 24/7 Program must be evidence-based and supported by analysis of its effectiveness. Provides for a pilot program process to determine the effectiveness of a new testing methodology or any suggested modification to the core components of the Program. This means that new ideas must be vetted and have analysis to support their effectiveness prior to formal inclusion in the 24/7 Program to ensure the integrity of the Program.
Section 4 44-4-1204	<ul style="list-style-type: none"> Minor language change to allow the Program to be run by another law enforcement agency in the event a county sheriff chooses not to run the Program.
Section 5 44-4-1205	<ul style="list-style-type: none"> Expands the authority of a court or agency to apply the 24/7 Program to other offenses where the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime. Examples of other offenses that other states apply the 24/7 Program to are domestic violence, assault, battery, etc. Allows an offender with a second or subsequent DUI offense participating in the 24/7 Program to be eligible for a probationary restricted driver’s license. The original bill language inadvertently struck the language allowing for probationary restricted driver’s licenses, but the language is returned in the amendments. The amendments to this section regarding the offense of aggravated DUI in 61-8-465 are clean up from last session. The 24/7 Program was authorized to be used for first time aggravated DUI offenders last session, but the references in Title 44 were inadvertently left out.
Section 6 44-4-1206	<ul style="list-style-type: none"> Minor language change to allow the Program to be run by another law enforcement agency in the event a county sheriff chooses not to run the Program.
Section 7 46-18-201	<ul style="list-style-type: none"> This is an entirely new section added in the amendments. The amendments to this section coordinate with the first offense aggravated DUI that was passed last session and add that at the discretion of the judge, the 24/7 Program may be applied to other crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.
Sections 8 & 9 61-8-442 & 61-8-733	<ul style="list-style-type: none"> These are new sections added in the amendments. These sections came at the request of the Magistrates Association. They deal with probationary drivers licenses and clarify that a person may receive a probationary driver’s license if an interlock device is placed on the vehicle or if the person participates in the 24/7 program or another court approved testing program.

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